

Joint Select Committee on Corrections

2002 Annual Report

[2002]

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Joint Select Committee On Corrections

2002 ANNUAL REPORT

MEMBERS:

Senator Herb Guenther, Cochair
Senator Tim Bee
Senator David Petersen
Senator Pete Rios
Senator Virginia Yrun
Mr. Elliott Hibbs, ex-officio
Mr. George Weisz, ex-officio

Representative Phil Hanson, Cochair
Representative Jim Carruthers
Representative Mark Clark
Representative Edward Poelstra
Representative Meg Burton Cahill
Mr. Chuck Ryan, ex-officio

JOINT SELECT COMMITTEE ON CORRECTIONS

MEMBERS:

Senator Herb Guenther, Cochair
Senator Tim Bee
Senator David Petersen
Senator Pete Rios
Senator Virginia Yrun
Mr. Elliott Hibbs, ex-officio
Mr. George Weisz, ex-officio

Representative Phil Hanson, Cochair
Representative Jim Carruthers
Representative Mark Clark
Representative Edward Poelstra
Representative Meg Burton Cahill
Mr. Chuck Ryan, ex-officio

MEMBERSHIP:

- House** Five members of the House of Representatives, not more than three from the same political party, appointed by the Speaker of the House of Representatives
- Senate** Five members of the Senate, not more than three from the same political party, appointed by the President of the Senate
- Other** The Director of the Department of Administration or the Director's designee as an ex-officio member
- The Director of the Department of Corrections or the Director's designee as an ex-officio member
- The Governor or the Governor's designee as an ex-officio member

ESTABLISHMENT:

The Joint Select Committee on Corrections (Committee) was created by Laws 1994, Second Regular Session, Chapter 195.

COMMITTEE CHARGE:

The purpose of the Committee is to: (1) receive testimony from the Department of Administration regarding the construction schedule of prison beds previously authorized by the Legislature, and from the Arizona Department of Corrections (ADC) regarding the actual and anticipated growth or decline in the ADC's inmate population; (2) make recommendations to the Legislature regarding the number and security level of new prison beds, including private prison facilities, required to confine the projected number of new inmates; (3) review and make recommendations to the Legislature regarding future prisons; (4) review private incarceration facilities sites pursuant to A.R.S. 41-1609.02; and (5) consider other matters relating to prison construction. The Committee may consider other matters relating to prison operations, including ADC's policies and practices, and may make recommendations to the Legislature.

TERMINATION:

January 1, 2008

PUBLIC MEETINGS:

October 21, 2002

The Committee met for a presentation on the ADC staffing study, an update on private prisons and a review of the site selection for private prisons. Public testimony was provided regarding reasons against awarding private prison contracts to specified companies, alternative methods of dealing with nonviolent offenders, inmate health care issues and ADC oversight and accountability. The Committee also discussed communication between family members and ADC. Additionally, an ADC officer testified about several aspects of the working environment for ADC employees including salary issues, required overtime and understaffing.

November 18, 2002

Gary Phelps, ADC Chief of Staff, gave a presentation on dispute resolution and polygraph policies of the ADC. The Committee also heard testimony on the ADC grievance policy for prisoners, friends' and family members' of prisoners and ADC employees. Additionally, public testimony was given expressing concern for retribution experienced by ADC prisoners, the need for increased oversight of ADC and the desire for increased communication between ADC and the public.

November 19, 2002

The Committee met for a review of the private prison site selection in an executive session. When the Committee resumed following executive session, public testimony was provided regarding possible causes of a prison disturbance. The testimony also indicated there was confusion among the inmate population and families regarding an upcoming prisoner transfer. The future make-up of the Committee was also discussed.

REPORT:

The Committee is required to prepare a report of its recommendations and submit the report to the Governor, the President of the Senate and the Speaker of the House of Representatives by October 15, annually. However, the Committee did not adopt any formal recommendations in 2002.

ATTACHMENT A

Revised 9/26/02

Revised 9/26/02

ARIZONA STATE LEGISLATURE

Interim Meeting Notice

Open to the Public

JOINT SELECT COMMITTEE ON CORRECTIONS

DATE: ~~Wednesday, October 16, 2002~~ **Monday, October 21, 2002**

TIME: ~~9:30 a.m.~~ **10:00 a.m.**

PLACE: House Hearing Room 5

AGENDA

1. Call to Order
2. Elect Chairman
3. Presentation of ADC Staffing Study
4. Private Prison Update
- 5. Review of Private Prison Site Selection**
6. Discussion
7. Adjourn

MEMBERS:

Senator Bee
Senator Petersen
Senator Guenther
Senator Rios
Senator Yrun

Representative Carruthers
Representative Clark
Representative Hanson
Representative Poelstra
Representative ~~Weason~~ **Burton Cahill**

NON-VOTING MEMBERS:

Elliott Hibbs, ADOA Director
Terry Stewart, ADC Director
George Weisz, Governor's Office

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~~9/12/02~~ 9/26/02

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ARIZONA STATE LEGISLATURE
JOINT SELECT COMMITTEE ON CORRECTIONS

Minutes of the Meeting
Monday, October 21, 2002
10 a.m., House Hearing Room 5

Members Present:

Representative Phil Hanson, Cochair
Representative Meg Burton Cahill
Representative James Carruthers
Mr. Elliott Hibbs

Senator Herb Guenther, Cochair
Senator Pete Rios
Representative Edward Poelstra
Mr. Terry Stewart

Members Absent:

Senator Tim Bee
Senator Virginia Yrun
Mr. George Weisz

Senator David Petersen
Representative Mark Clark

Staff:

Mike Huckins, House of Representatives Research Analyst
Dallas Gold, Senate Research Assistant Analyst

Representative Hanson called the meeting to order at 10:02 a.m. and attendance was taken. He announced that the first order of business was to elect a chairman of the committee and he opened the floor for nominations.

Representative Carruthers moved to nominate Representative Hanson for Chairman. Senator Rios nominated Senator Guenther for Chairman. By a show of hands, there were three votes for Representative Hanson and three votes for Senator Guenther. It was decided that they would cochair the committee.

Charles L. Ryan, Deputy Director, Arizona Department of Corrections (ADC), distributed a handout (Attachment 1) and provided an overview of the department, a review of private prison sites and updates, as well as a staffing study. He discussed the various prison complexes, noting their current capacity and annual growth rate, as well as the privatization efforts currently in progress.

Mr. Stewart explained that he would be asking for legislative authority to increase the beds for the female facility by 600 in order to house all of the female population in one prison, except for death row female inmates. It is proposed that the new private organization build the new beds and operate them, giving ADC the opportunity of filling Perryville with male inmates.

Representative Hanson asked about the timeline involved after ADC receives legislative authority. Mr. Stewart replied that they would be submitting the Request for Proposal (RFP) this month; however, they do not expect to occupy the facility until August, 2004. He indicated that the Legislature authorized an RFP but did not fund it, which should happen in the 2003 session.

Senator Rios commented that the San Luis unit has not been opened because they cannot find staff. He wondered if the private facilities proposed for Holbrook or Kingman will have the same staffing problems. Mr. Ryan replied that part of the evaluation process is to determine any staffing problems. He indicated that there is no competition in Kingman for correctional staff; there may be some competition in the Holbrook area because there is an existing facility. Mr. Stewart added that when ADC opened the Lewis facility, there was a staffing concern. He pointed out that they were unable to staff the facility without adding a 10% stipend, which helped a little. However, there was still a 50% vacancy. They then offered a \$5,160 hiring bonus to individuals who would agree to spend two years working at that facility. In order to be fair to the existing employees, ADC provided \$100 a pay period for two years. Vacancies went from more than 50% to zero. The opening of the Rast Unit at Lewis has been delayed although the Legislature has given authority to do so, because funding for stipends was not provided for the staff at that facility. He added that ADC has given numerous stipends since 1984 and in his opinion, they cannot afford to offer any more. He explained that he proposed to pay stipends as long as the Joint Legislative Budget Committee (JLBC) returned those funds to the ADC budget next year. However, that proposal was declined. He emphasized that the rural areas that rely on major metropolitan locales for staffing is where they have the greatest difficulty attracting staff.

Representative Polestra asked about the comparison of pay rates for officers in the private prisons and ADC. Mr. Ryan replied that the proposed salaries for officers in the new facilities are less than what the current officers are earning.

Mr. Ryan continued with the ADC presentation, explaining that the one function that will not be privatized at these proposed facilities is the reception and diagnostic process areas, because ADC is precluded statutorily from delegating the responsibility of classification of inmates.

Mr. Ryan next discussed the staffing study which was recommended by the Auditor General's office after a series of audits conducted in 1999. The study evaluated every ADC prison facility.

George Camp, Partner, Criminal Justice Solutions (CJS), provided background information on CJS, as well as the project team's knowledge, covering their experience with national and various state studies. He gave an evaluation of the current security staffing study conducted at Arizona's prisons. He talked about the purpose and goals of the study, specifically explaining the methodology and data collection processes used by their organization. He pointed out that CJS was mandated to review staffing levels and patterns, inmate activity levels, and post relief factor formulas. During their studies, they listened to employees and observed the processes and then submitted their findings and recommendations, including modifications and implementation plans for those changes.

Mr. Camp commented that in their initial finding, it was determined that there should be a reduction of 10 supervisory positions and an increase of 82 correctional officers. Considering the vacancies at the time of the report, ADC was already at a deficit of 891 officers. However, after adding the new shift relief factors (number of officers and command staff needed to fill a 24-hour post, seven days a week), the actual officer

deficit is 2,065. He emphasized that an insufficient number of officers to fill posts creates a serious threat to staff safety and prison security. All posts designated as Level D should be filled all of the time; other posts should be filled at least part of the time. Mr. Camp maintained that to effectively cover the Level D posts, it is recommended that 1,443 officers be reassigned.

Mr. Camp mentioned that the Arizona correctional officer entry-level salaries are ranked 24th among the states at \$23,504, with a turnover rate of 25.5%. He noted that their findings include the need for increased compensation for officers. Officers repeatedly expressed concerns about low wages and poor benefits, leading many to seek employment elsewhere.

Mr. Camp next covered the implementation strategies recommended by CJS which includes civilianizing various services and introducing a three-year plan to eliminate the correctional staff deficit beginning in 2004.

Mr. Camp concluded that given the number of inmates ADC confines and the absolute necessity of running safe and secure facilities, the current staffing levels cannot go uncorrected much longer.

Representative Polestra asked if CJS is traded on the stock exchange. Mr. Camp replied that Criminal Justice Institute is a not-for-profit tax-exempt 501C3 organization and Criminal Justice Solution is a limited liability company (LLC). Representative Polestra questioned if Mr. Camp was involved in the privatization of the New Mexico facilities. Mr. Camp answered "no." He acknowledged that CJS has done some work in New Mexico and currently is working on a master plan, helping them develop new policies.

Representative Hanson questioned if this same presentation would be given to JLBC. Mr. Stewart remarked that ADC will be submitting the recommendations from this study to JLBC. He indicated that they are aware of the economy and budget issues, but he feels this is a problem that needs to be fixed before someone is injured. This problem will continue to multiply in severity if the State does not begin to solve it.

Representative Hanson reminded everyone that the Committee's responsibilities were expanded to include ADC's policies and procedures, as well as building additional facilities.

Caroline Isaacs, Criminal Justice Program Coordinator, American Friends Service Committee (AFSC), distributed "rap sheets" (Attachment 2) on the three potential operators of the proposed 1,400-bed facility for driving under the influence (DUI) prisoners. Management and Training Corporation (MTC), Correctional Services Corporation (CSC), and Dominion Correctional Services (DCS) have shocking and gross mismanagement records that should preclude them from being awarded the contract for these services. She provided information regarding incidents and situations that make these companies unsuitable to operate prison facilities, including riots, accidental inmate releases, dismal financial history, abuse and disturbances.

Ms. Isaacs pointed out four reasons why MTC, CSC, and DCS should not be considered for the operation of any private facility. First, these companies are

dangerous for prisoners, staff, and communities. Second, a contract with any of these companies will not save the State any money. Private companies cannot operate prisons cheaper than the State; they only pay lower wages. Third, these jobs are not good jobs. If the State is unable to hire correctional officers, how can a private company, who is offering lower wages, hire good quality personnel. Four, these companies have shown blatant disregard for the states and communities where they are located. Because they are private companies, they are not bound to the same standard of public accountability that a state facility would be.

Katherine Richey and Nikki Bund, AFSC, were also present and supportive of Ms. Isaacs' statements. Ms. Bund suggested that the Committee should meet more often than twice a year. Representative Polestra echoed that request, noting that he covers the prison issues at the House, and feels it would be helpful to have more meetings.

Fred Markussen, Pima County Interfaith Counsel, testified that he was a correctional and parole officer, as well as a counselor. He suggested that the real answer to ADC's problem is for the Legislature to devise a method to reduce the prison population. He pointed out that there are many inmates who are not violent and can be dealt with in other ways. He noted that the prison rate in Arizona has increased from 2,000 in the 1970s to the current 25,000 plus. He indicated that the problems in the prisons are more than just the salaries. Other issues, such as supervision and treatment of staff, are also key in solving the problems.

Ken Bond, representing himself, provided three handouts (Attachment 3) : 1) a chart showing age groups and education levels of officers by gender; 2) a chart showing inmate committed population; and 3) a folder of letters from inmate families. He indicated that families have been pleading for sometime for an ADC oversight committee. He suggested that the Attorney General's office should investigate the death of an inmate. He explained that there are ways to reduce the number of inmates. Of the more than 25,000 inmates, approximately 4,500 could possibly be considered for house arrest. He stressed that one of the problems at DOC is accountability.

Senator Guenther questioned why Mr. Bond had gotten so involved in this issue. Mr. Bond explained that he is a taxpayer and after reading the ADC annual report, he became involved. He suggested that it is policies, practices, and procedures of the ADC that are the cause of turnover. He urged the Committee to review the many complaints from the family members.

Brenda Grafke, representing herself, indicated that her fiancé is an inmate. She noted that she has done volunteer work and helped families write letters when ADC was not following policy. She stated that she would provide the Committee with information regarding problems at the prison, as long as she is guaranteed that there will be no retaliation. She identified some of the problems that the Committee should review: 1) poor medical care; 2) Hepatitis C is rampant; 3) family visitation is made difficult although it is known to be a benefit to reduce recidivism; 4) retribution; 5) mail delivery is delayed three to four weeks; and 6) recreation time is denied. To further emphasize some of the problems, she related: 1) it took one and one-half years to diagnosis her fiancée with throat cancer; 2) he was not allowed to consult with an oncologist before surgery; 3) family was not aware where he was during his treatment time; and 4) correspondence was not delivered to him during treatment. She was concerned that

if the Committee only meets twice a year, where do the families go for help and how can they get the retaliation stopped?

Representative Hanson asked why her fiancé is in the system. Ms. Grafke replied that he is one of the innocent victims. He was charged with sexual conduct with a minor.

Senator Guenther asked the families to be patient with Committee members. His hope is to exchange views with ADC and make some adjustments where everyone can benefit. He suggested that the families should contact the chairmen of the Committee with their concerns, but urged that they focus on the main issues that need immediate attention.

Senator Rios wondered if there is an internal process where individual's can go with their concerns, complaints, or grievances to be expedited before bringing them to the Legislature. Mr. Stewart replied that ADC looks at problem-solving issues at various levels. First, individuals should try to work directly with their unit. If a letter of complaint or concern is directed to ADC, the Legislature, or the Governor, a request goes to the specific unit to provide information regarding the situation and then his office would respond. Mr. Stewart noted that if retaliation can be proved, he will take care of it. Senator Rios stated that he appreciates the quick response to concerns that he has asked ADC to investigate. However, he asked if family members have a contact person at ADC where they can receive a timely response. Mr. Stewart responded that every warden is present to hear firsthand the issues discussed at this meeting. He explained that the wardens are the contact people for families. If an individual is unsuccessful at receiving an answer from the warden, then the problem can be escalated to Mr. Stewart's office.

Representative Carruthers asked what procedure is in place for inmates to resolve their concerns. Mr. Stewart answered that the inmates have an informal grievance process, as well as a formal grievance process where the complaint will come to Mr. Stewart's office. He explained that he reviews complaints daily and takes appropriate action.

Donna Hamm, Executive Director, Middle Ground, testified that medical care in the prison facilities is appalling, operating on the premise that the "squeaky wheel gets the grease." She pointed out that she has 1,000 letters she has not opened yet, because of the volume received from inmates and family members. These individuals have tried numerous times to get the basic minimum care for their medical concerns, let alone the serious problems such as Hepatitis, cancer, diabetes, etc. By the time she receives a letter, she goes directly to Mr. Stewart for a resolution. Family members often have to pay an attorney to send a certified letter to get a response from ADC. She noted many concerns that should be investigated: sexual harassment, arbitrary visitation suspensions, exorbitant cost of phone calls, educational opportunities that end with a GED, lack of reentry preparation, and the special services fund. Ms. Hamm stressed that the Auditor General's Office should audit the special services fund, which is a fund that comes directly from the inmates and family members. She suggested that the Committee should take a look at how ADC forfeits earned release credits for inmates that are convicted of violations. She added that it is necessary to have a disciplinary process to keep things running smoothly. However, ADC has the ability to take any or all earned release credits for any infraction. For example, an inmate who has 45 earned

release credits and another one who has 8,000 earned release credits can lose all their credits for the same disciplinary problem. This does not seem equitable.

Ms. Hamm suggested that the Legislature should pass legislation to reinstate home arrest and make it a true alternative to incarceration, rather than a release mechanism used by the Board of Executive Clemency when they do not want to give someone parole. Home arrest should be a sentencing alternative for judges. She pointed out that approximately 32% of the current inmates are classified as "minimum, passive inmates." They are not a threat to the public's safety and security and do not need to be in a \$25,000-a-year prison bed. She added that the Legislature needs to refine the status violation responses because many of them are resolvable without sending a parolee back to prison.

Ms. Hamm mentioned that she has been working in this field for over 20 years and has watched ADC evolve into a "gargantuan bureaucracy" that does not respond to people's problems and does not understand rehabilitation. She suggested that most of the inmates experience a psychological deterioration after being housed in the prison system for any length of time and those people have difficulties coping after being released.

Senator Guenther commented that this is an extremely emotional topic. It is important that everyone have a good working relationship. ADC has a large task and most all the problems are resolvable. He suggested that everyone should be able to vent their frustrations and not let them get pent-up.

Representative Hanson echoed Senator Guenther's remarks, explaining that the Committee would like to assist in improving the relationships between ADC and the families.

Wendy Carr, representing herself, noted that ADC has been allowed to do and behave anyway they want without accountability for their actions. There needs to be an oversight committee to make ADC accountable.

Dewey Shirley, representing himself, indicated that when he heard Mr. Camp allude to the rate of turnover being tied to salary, it reminded him of one of his first business classes. In Business Management 101, business students learn that turnover rate is not linked only to pay. It is actually the third reason. The first reason is how an employee is treated and the second reason is benefits and working conditions. As a business consultant with over 20 years experience in law enforcement, he suggested that operating ADC is no different than operating any other business.

Mr. Stewart asked if Mr. Shirley had any recent data on exit interviews from ADC employees. Mr. Shirley replied that he has not done any studies on ADC; however, Mr. Camp's numbers indicate that the most expensive employees had a higher rate of turnover than the lesser paid officers.

Matt Taylor, Fraternal Order of Police (FOP), ADC Officer, testified that he was hired at the Lewis facility in November, 1998 when they were first receiving inmates at that prison. He explained that money means everything and refutes the other reasons for turnover. He stressed that he works in the trenches with inmates daily. He suggested

that people will put up with difficult situations if they make more money. As the number of inmates increased at their facility and the staff members decreased, officers received cash overtime to cover all the shifts. When a recruitment stipend was provided, the facility became fully staffed and officers did not have to work overtime. However, the stipend will expire in December and many officers have already quit. The remaining officers must work a double shift to cover the facility. He stressed that the State is fortunate to have the hardworking and committed employees working for them at the Lewis facility.

Representative Hanson asked why Mr. Taylor was still on the job. Mr. Taylor admitted that he often asks himself that same question. He suggested that it is because he is loyal to the job and not willing to let it go.

Representative Polestra questioned how often Mr. Taylor is forced to work overtime. Mr. Taylor responded that he currently works in Operations and has been mandated to work overtime at least once or twice a week. For those officers who work normal shift days, they often work overtime three times a week. He stressed that there is not enough staff to cover all the shifts.

Eleanor Eisenberg, Executive Director, Arizona Civil Liberties Union (ACLU), acknowledged the speakers' frustrations that there are few avenues for them to express concerns about what happens in Arizona's prisons. She pointed out that avenues for seeking redress about what happens in the prisons have been foreclosed by elements such as a federal law called the Prison Litigation Reform Act (PLRA), which passed on antidotal information that prisoners were routinely and frequently filing unmeritorious claims with the courts. Therefore, the courts are now closed to many inmates. The responsibility will fall upon this Committee to provide an avenue for prisoners and their families to seek redress. She stated that she receives a minimum of 10 to 20 letters a week talking about prison conditions. The number one issue in these letters is medical care.

Ms. Eisenberg indicated that no one wants to coddle criminals. The criminal justice and prison systems have at least two functions: 1) to make the general public feel secure; that people who are engaged in criminal activity will be isolated from society; and 2) punishment. She said that she feels that most people would like to see the inmates released as better citizens than when they went in. Also, prisoners should not be subjected to diseases such as Hepatitis. She suggested that anything that happens in the prison that dehumanizes a person will make them less human when they are released and more of a threat to society.

Ms. Eisenberg pointed out that there is insufficient money in the budget for healthcare to screen and treat inmates. There is little allowance for exercise and an overuse of isolation and lockdown, which is probably directly related to not having enough staff. However, it is unacceptable to keep people in lockdown. She indicated that they have received complaints about people not being able to practice their religion, as well as others complaining that religion is imposed on them. There are lots of complaints about how difficult it is to visit an inmate, as well as inappropriate retaliation and discipline. Many letters have noted that if an inmate annoys a guard, the inmate will be put into a sex offender unit and then come out of that unit as a marked man and not afforded too

much protection. She expressed her concern about prison reform and implored the Committee to investigate all the issues brought forth today.

Senator Guenther affirmed that the Committee will try to address all the concerns. He suggested that the Committee schedule another meeting and set aside as much time as it takes to hear comments from everyone who wants to testify. He indicated that he feels the members' task is to build a bridge between ADC, inmates, and officers. He suggested that there are very few issues that cannot be worked out if the parties talk through them.

Mr. Stewart addressed the medical issue, noting that every one of the medical units is accredited by the National Commission on Correctional Healthcare (NCCH). Perryville was given the model NCCH award for its quality of healthcare. He said that he is aware that there can still be some problems, but he wanted everyone to understand that ADC is an accredited healthcare agency but also suffers from limitations relative to dollars.

Mr. Stewart stressed that he would be most pleased to interact with the Committee and for them to understand both sides of the issues. He indicated that the Committee members should visit any of the prisons with or without him to observe firsthand the concerns. He suggested that one of the best things families of inmates can do is to see how their loved one lives. He asked the Tucson warden to develop a program to address the issues.

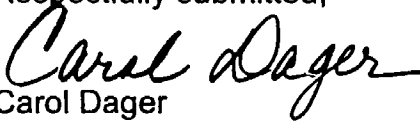
Representative Hanson related that each Committee member wants to participate and maintain a good working relationship with ADC, inmates, families, and advocates. He pointed out that he has visited several prisons while a member of the Legislature and is aware that there are two sides to every story and he would like to improve communications between everyone. He emphasized that he is concerned about the salaries and lack of staffing.

Representative Hanson explained that he does have some comments from **Mr. Anzivino**, representing himself, that he will pass on directly to Mr. Stewart.

Representative Burton Cahill noted that many of the issues that the Legislature has to deal with are very complicated and certainly this topic is one of them. She indicated that she hopes the Committee can meet often and would like to see another meeting before session starts.

There being no further business, the meeting was adjourned at 12:40 p.m.

Respectfully submitted,


Carol Dager
Committee Secretary

(Tapes and attachments on file in the Secretary of the Senate's Office/Resource Center, Room 115.)

ATTACHMENT B

ARIZONA STATE LEGISLATURE
INTERIM MEETING NOTICE
OPEN TO THE PUBLIC

JOINT SELECT COMMITTEE ON CORRECTIONS

Date: Monday, November 18, 2002

Time: 9:30 a.m.

Place: Senate Hearing Room 1

AGENDA

1. Call to Order
2. Opening Remarks
3. Presentation on Dispute Resolution – Arizona Department of Corrections (ADC)
 - Prisoner Grievances
 - Friends' and Family Members' Grievances
 - ADC Employee Grievances
4. Presentation on Polygraph Policies – Arizona Department of Corrections
5. Discussion
6. Public Testimony
7. Adjourn

Members:

Senator Herb Guenther, Co-chair
Senator Tim Bee
Senator David Petersen
Senator Pete Rios
Senator Virginia Yrun
Mr. Elliott Hibbs, ex-officio
Mr. George Weisz, ex-officio

Representative Phil Hanson, Co-chair
Representative Jim Carruthers
Representative Mark Clark
Representative Edward Poelstra
Representative Meg Burton Cahill
Mr. Chuck Ryan, ex-officio

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ARIZONA STATE LEGISLATURE
JOINT SELECT COMMITTEE ON CORRECTIONS

Minutes of the Meeting
Monday, November 18, 2002
9:30 a.m., Senate Room 5

Members Present:

Senator Herb Guenther, Cochair
Senator Tim Bee
Senator David Petersen
Senator Pete Rios
Mr. Chuck Ryan

Representative Phil Hanson, Cochair
Representative Meg Burton Cahill
Representative James Carruthers
Representative Edward Poelstra
Mr. George Weisz

Members Absent:

Senator Virginia Yrun
Mr. Elliott Hibbs

Representative Mark Clark

Staff:

Nadine Sapien, Senate Research Analyst
Mike Huckins, House of Representatives Research Analyst
Dallas Gold, Senate Research Assistant Analyst

Senator Guenther called the meeting to order at 9:38 a.m. and attendance was noted.

Gary Phelps, Chief of Staff, Arizona Department of Corrections (ADC), explained that he, along with other members of ADC, would be presenting an overview of the ADC Dispute Resolution and Polygraph Policy (Attachment 1). He pointed out that while gathering data for this presentation, they recognized that ADC had good inmate and employee grievance policies; however, the procedures for families and friends were difficult to find because they were written within various documents. ADC is currently in the process of consolidating those procedures into one area in order to make it easier for families and friends to use.

Mr. Phelps introduced **George Herman, Acting Deputy Director, ADC**, who first discussed the inmate grievance policy, noting ADC's informal, formal and appeals process, as well as the emergency and medical grievance procedures.

In response to Representative Hanson's question, Mr. Herman replied that the grievance coordinators are usually a corrections officer (CO) or COIII and each inmate has an assigned counselor. In the last six months, 1,262 grievances were filed, accounting for approximately 4% of the prison population. Of the 1,262 grievances, 375 were appealed to the director's level, with 10 granted, 1 partially granted, and 364 denied.

Representative Carruthers asked if inmates were provided protection during an emergency or medical grievance. Mr. Herman answered yes.

Senator Bee questioned why the formal grievances are to be solved within 20 days, but the medical grievances take 30 days. Mr. Herman responded that the policy states 30 days and he believes it has to do with reviewing all the medical records of the inmate.

Senator Guenther asked if there was any statistical information showing the differences in informal and formal grievances. Mr. Herman explained that he did not have data on informal grievances; however, he feels there are many more informal than formal grievances. Most informal grievances are immediately resolved by the grievance coordinator and if the inmate is not satisfied with the response, he has 10 days to file a formal grievance. Formal grievances are submitted in writing with a written response provided by the CO. These written reports are retained in a grievance file and are not part of the inmate's institution file.

In response to Senator Guenther's question, Mr. Herman noted that the medical grievances are submitted to the facility health administrator, who provides a written response within 30 days. The health administrator usually is a medical administrator (not a doctor) and reports to the Deputy Director of Health Services.

Mr. Weisz asked for clarification regarding medical treatment. Mr. Herman replied that the health administrator submits medical grievances to an appropriate doctor, who prescribes treatment performed by medical professionals.

Senator Guenther wondered about what grievance process would be used when an inmate feels threatened. Mr. Herman explained that the complaint would usually be submitted as an emergency grievance. The inmate would be placed immediately in a secure environment and an investigation started. Mr. Ryan elaborated on the extensive review process conducted when an inmate requests protection. He pointed out that an immediate investigation occurs within 24 hours which is turned over to the Criminal Investigations Unit (CIU), and then forwarded to the unit's deputy warden. If the deputy warden concurs that protection is warranted, the grievance is submitted to the warden who sends it on to the Services Bureau Protective Segregation Unit. This external group reviews the report and their results are returned to the inmate, who has five days to appeal the decision to the deputy director of prison operations. The Services Bureau Protective Segregation Unit has the authority to recommend and assign the inmate to protective segregation or recommend alternate placement elsewhere in the prison system. Currently, there are approximately 870 inmates in protective segregation housed at the Lewis complex in a separate unit.

Senator Guenther inquired as to who sits on the external panel. Mr. Herman replied that it is a three-member committee consisting of the Protective Segregation Administrator (assistant deputy warden rank), a COIV versed in classifications, and an investigator who works with security threat groups.

Representative Hanson asked what the primary reasons are that an inmate would need segregation. Mr. Herman responded that there are a variety of reasons: 1) an inmate feels threatened or has been threatened by other inmates; 2) an inmate may have been involved in some illicit activity inside or outside the system and other inmates are attempting retribution; or 3) gang members who renounce their affiliation with a gang

are automatically provided protective segregation to ward off retribution. He added that approximately 200 of the more notorious, problematic inmates have been transferred to other locations in the United States on an exchange program.

Senator Guenther questioned what happens when there is a bed shortage, given the obstacle of housing different classes of prisoners, and adding the complication of the segregated population. Mr. Ryan replied that when there is insufficient bed capacity, they reconfigure another unit as a protective segregation unit. He pointed out that ADC currently has 3,500 more inmates than beds.

Mr. Herman continued with his presentation covering the Friends and Family Members' Grievance policy. In the past six months, ADC received 722 complaints in this category, with 321 of those resolved to the satisfaction of the person voicing the concern. In addition, 23 letters were received in the director's office. These 745 complaints represent approximately 2.5% of the inmate population.

Mr. Ryan admitted that ADC does not have a good consolidated policy for families and friends that is user-friendly. He noted that they are committed to consolidating the information into a single document to make it easier for the families or friends to address their issues. He suggested that it would be more timely and efficient if the concerns can be resolved at the lowest level, rather than have them escalated to the Director, Governor, or Legislator.

Senator Petersen asked for a timeline to accomplish consolidating the families grievance policy. Mr. Ryan replied that he feels this project could be completed in 90 days, using a management review process that would include the staff at the institutions.

Senator Rios noted that under the family member grievances, 39 complaints were medical concerns with 29 of those being resolved satisfactorily. He questioned why medical service would have been denied to an inmate and later given after a family member complains. **Dennis Kendall, Acting Deputy Director for Health Service**, explained that most of the medical grievances filed by a family member are usually brought to their attention after a visitation and can include things such as an inmate who has requested an appointment but has not yet seen the doctor. Oftentimes, after the grievance is submitted, the inmate sees the doctor, which was probably already scheduled prior to the complaint.

Mr. Weisz pointed out that medical is the second highest category in the grievances. To put this information in perspective, he asked about what the current inmate population is. Mr. Ryan replied 29,470. Mr. Weisz emphasized that although each complaint is important, the number of grievances are relatively low. He wondered why the largest number of complaints not resolved fall in the category of denial of appeals under visitation. Mr. Herman explained that some applications for visitation are denied because of various reasons such as, criminal history or falsification of documents.

Senator Guenther indicated that the majority of letters received by legislators deal with medical or safety issues; constituents feel that their issue is urgent because they sense

their loved one is in medical danger. He wondered if there is a way in the current process after a decision is rendered that a third party could communicate with the family member. Mr. Herman replied that although a family member's request is denied, if they send another letter, the warden would review it.

Next, Mr. Phelps discussed the employee grievance policy and procedures, explaining that ADC has a fulltime grievance coordinator who tracks the process of the complaints. All grievance reports are retained for four years at ADC and then sent to the records retention department. In 2002, out of 9,000 plus employees, 82 grievances were filed, with 43 cases pending.

Senator Guenther asked about who can represent an inmate in the grievance procedure. Mr. Phelps replied any nonlegal individual. Senator Guenther questioned if there is an appeals step beyond the director for "covered" employees. Mr. Phelps answered that a "covered" employee can appeal to the Director of the Department of Administration (DOA). Senator Guenther questioned what the next options are if DOA finds in favor of the employee. Mr. Phelps responded that ADC then has the option of appealing to the Superior Court. Senator Guenther further inquired about what happens if DOA denies the appeal. Mr. Phelps explained that the employee can appeal to the Superior Court.

Senator Guenther clarified that the appeals process for a minor grievance stops with the DOA director. However, the appeals process for a major disciplinary action (with over 40 hours suspension) can be appealed to DOA, and if that decision is not satisfactory to either ADC or the employee, an appeal can be filed by either party to the Superior Court.

In response to Representative Carruthers question, Mr. Phelps replied that if an employee is demoted, the appeal would go directly to DOA.

In response to Senator Guenther's question, Mr. Phelps explained that an employee can have legal representation at the personnel board level. During the disciplinary process, an employee is not allowed to have legal representation; however, during the grievance process they can.

Mr. Phelps next discussed the polygraph policies, noting that ADC has three polygraphers on staff accredited by the American Polygraph Association (APA). All employees are polygraphed prior to hiring; inmates are polygraphed for various gang-related issues and criminal investigations; and other agencies can request an individual to be polygraphed. He pointed out that no case has rested solely on the results of a polygraph, rather the polygraph is considered an investigative aid to seek and validate information.

Representative Carruthers voiced a concern about ADC employing their own polygraphers to test employees, rather than a neutral third-party polygrapher to ensure due process for the employee. Mr. Phelps replied that all polygraphs are quality controlled and if there are any questions regarding the results, a third-party polygrapher

is used. He reiterated that an employee's discipline is not based solely on the polygraph, rather on the totality of the case.

Mr. Phelps specified that inmates must consent in writing to have a polygraph conducted.

Mr. Phelps further discussed the polygraph quality control and records retention procedures. He also noted all local agencies that conduct polygraphs, as well as statistical data that indicates how often a polygraph is used and its outcome.

Senator Rios wondered about how the determination is made to subject a new applicant to a polygraph. Mr. Phelps replied that the Arizona Peace Officer Standards and Training Book (AZPOST) requires every peace officer to be polygraphed. Senator Rios questioned what percent of the applicants are denied employment on the basis of the polygraph results. Mr. Phelps indicated that he would have to provide that information later because he did not have it with him. In response to Senator Rios' question, Mr. Phelps replied that if an AZPOST applicant refuses to take a polygraph, they would automatically be disqualified. Senator Rios asked for additional information regarding the number of applicants and the percent of those who are denied because they refuse to take a polygraph, as well as the percent who did take a polygraph and were denied because they did not pass the test. He suggested that with a shortage at ADC, he is concerned about how many applicants have done well in all the other categories, but do not pass the polygraph. Mr. Phelps explained that the COs are not usually polygraphed, only the peace officers.

Representative Hanson inquired as to how many of the 9,000 plus employees at ADC are AZPOST certified. Mr. Phelps replied that there are 120 peace officers. Representative Hanson suggested that very few applicants would be subjected to a polygraph. Mr. Phelps confirmed that only a small percentage of employees are polygraphed.

Senator Guenther questioned using an ADC polygrapher for a second opinion for a blind quality review. Mr. Phelps responded that the polygrapher would not know anything about the case and would only read and score the charts. Senator Guenther asked how many cases were submitted for external review. Mr. Phelps replied that he did not have that information with him but would provide that data. Senator Guenther wondered if ADC uses other agency polygraphers. Mr. Phelps stated that ADC has used the Department of Public Safety (DPS) polygrapher on one or two occasions. Senator Guenther questioned if an employee can appeal the outcome of the polygraph. Mr. Phelps indicated that if an employee is disciplined, they are able to appeal.

In response to Senator Guenther's question, Mr. Phelps explained that the results of the polygraph are kept in the investigative file, which is not part of the employee's file. The employee file will reflect the infraction and disciplinary action taken, but not the investigative reports.

Mr. Weisz pointed out that he is not a supporter of polygraphs and wondered if an inmate is found not to be deceptive on the polygraph would that initiate an investigation

based solely on the polygraph. Mr. Phelps replied that an inquiry would begin. If an inmate is deceptive on the polygraph, no further action would occur; however, the inmate would probably be disciplined.

Representative Poelstra noted that he is aware of a case where the inmate made an allegation towards an officer and the inmate failed the polygraph; however, the officer has not been allowed to return to work. He wondered how such a situation could fall through the cracks. Mr. Phelps responded that in that particular case, the inmate made some allegations against the officer. When the inmate failed the polygraph, ADC was in the process of concluding the investigation when the inmate and family members provided volumes of overwhelming documented evidence that left nothing to doubt.

Senator Guenther asked about the type of polygraph ADC uses. Mr. Phelps remarked any method that is accredited by the American Police Forensic Polygraphers.

Senator Guenther inquired about the results of the polygraph and whether they are placed in the employee's personnel file. Mr. Phelps replied that the polygraph exam does not; however, it could be mentioned in the disciplinary action letter. Representative Carruthers asked for clarification whether the disciplinary action letter is the same as a results letter. Mr. Phelps answered no.

Senator Guenther questioned if the results of a polygraph are used to mitigate disciplinary procedures. Mr. Phelps replied that the mitigating circumstances to aggravate discipline are the discipline history of the employee. Senator Guenther asked if there is a standard that is used to apply the level of discipline that is consistent with a specific violation. Mr. Phelps explained that there is a specific list of violations and a chart indicating the range of disciplinary actions. He added that he could provide a copy of that information to the Committee.

Nikki Byrd, Volunteer, American Friends Service Committee (AFSC), mentioned that many family members fear retribution and were concerned about attending and testifying at the Committee meeting because the wardens would be present. She asked if a meeting could be held in the evening or weekend to accommodate those individuals who work and that only a few ADC representatives be present such as, the director and/or assistant director. She indicated that the family members are appreciative that the committee is willing to look into ADC's policies and procedures. She wondered if there was a process in place to respond to correspondence.

Senator Guenther explained that they are working on procedures to handle correspondence and to provide better communications. Representative Hanson added that there is a concern that several legislators are receiving the same letter regarding the same problem. Ms. Byrd stated that the different groups are working together to determine the priorities they would like addressed and will identify on the letter who they mailed it to.

Caroline Isaacs, Criminal Justice Program Coordinator, AFSC, commented that her group is an international, nonprofit peace and justice organization. She provided a written copy of her testimony (Attachment 2), as well as a copy of WATCHDOG

(Attachment 3), which is the organization's newsletter. She first addressed the fact that the public notice for the meeting was not posted on the Internet and suggested that a contact list of interested parties be maintained by the Committee and notify them individually of future meetings. She talked about the tremendous volume of mail her organization receives regarding complaints about ADC policies and procedures. She stressed that there is an overall organizational culture that permeates ADC, facilitating abuses of inmates and their family members. She emphasized that ADC has operated many years in an environment free of meaningful legislative or citizen oversight. She expressed her appreciation in the creation of the Committee.

Senator Guenther indicated that one of the Committee's goals is to solicit a more open and fair communications process.

Ken Bond, representing himself, expounded on the fact that the meeting notice was not posted to the Internet. Senator Guenther assured everyone that it was just a mistake and that future notices will be posted, as well as maintaining a contact list. Mr. Bond next suggested that a family member serve as a committee member. He questioned why ADC has not taken the initiative to work in a positive manner with inmates and their families. He maintained if ADC placed 50% of the inmates on home arrest, the State would save approximately \$177 million. He also discussed the Hepatitis C lawsuit, noting that Terry Stewart admitted in the Tucson DAILY CITIZEN that ADC is in violation of the 8th Amendment against cruel and unusual punishment. He said that the Committee should investigate several areas: 1) inmates should participate in producing food items; 2) education programs should be introduced in the prisons; and 3) job training for inmates should be considered. He voiced his concern that ADC wants to grow with power, rather than improve the situation in the prisons.

Senator Guenther noted that the Committee is working on recidivism with ADC. He suggested that they are working on building the bridges, emphasizing that with the budget reductions, it is difficult to begin anything anew. Safety is the first priority at the prisons.

Mr. Ryan pointed out that over the past 25 years, most of the focus has been in maintaining the inmate at an appropriate custody level. Considering there are serious resource challenges, they have had great success in assigning inmates to work groups based on their education and work needs, which enhances the safety of the prisons. Mr. Bond countered that there is a 54% recidivism and submitted that the program is not a success because it has not benefited society, only the growth of the prison population.

Brenda Grafke, representing herself, distributed several handouts (Attachments 4 and 5) and stated her appreciation in having a specific group within ADC that will be working with families needs, requests, and grievances. She addressed some medical issues, noting that Arizona law does not require that medical authorizations be witnessed, just the individual's signature is sufficient. However, ADC has a separate policy that requires the medical authorizations be witnessed. She stressed that inmates have a difficult time getting their medical authorization witnessed. She suggested that a solution to the ADC's policy would be to follow the Arizona law and not require a witness. She

discussed the inadequate mail delivery system within ADC, her concern about no notification of hospitalization, and an update on her fiance's situation.

Ms. Grafke referred to Attachment 5 and discussed the article "Shadowing Director Terry Stewart for a Day." She pointed out inaccuracies in the newsletter, suggesting that they assist in creating walls between employees and inmates. She brought up a concern she had regarding no glove changes during strip searches. She emphasized that the biggest problem in the grievance procedure is the delays when there are urgent needs.

Colleen Smith, representing herself, explained that she was a proponent of inmates deserving anything they get while in prison, until she became a person who had to visit her husband in prison. She emphasized that ADC desperately needs this oversight committee to assist in holding them accountable for their decisions and treatment of inmates and families. She explained that family members are often treated as an inmate, specifically discussing issues on contraband. She questioned why displays of affection are not allowed, why correspondence is monitored, and why newsletters are not permitted.

Robert N. Dotson testified that he is representing the Mujica family whose loved one could possibly be transferred to an institution out of state. Mr. Mujica has three small children who visit him regularly and if he is moved out of state, the children will not be able to see him. He stressed the importance of trying to keep the father as part of the children's lives. He suggested that when ADC chooses which inmates to transfer, that one of the criteria to consider is who has routine visits from their children. He emphasized that it is wise to choose in favor of the children who routinely visit their fathers, because it provides continuity and stability in their lives.

Mr. Weisz noted that the policy to transfer inmates out of state is new to ADC and is driven by the budget shortages. He agreed that family involvement is important for both the inmate and his family.

Mr. Ryan explained that ADC is in the midst of screening 645 inmates to be transferred to a private prison in Texas. He pointed out that inmates must be medically and mentally healthy to be considered for transfer. Minimum security and low-medium to high-medium custody inmates who will not be eligible for release prior to July/August 2003 are eligible for transfer. He explained that they are trying to be sensitive to the issue of family visitations. The inmates that will be screened first are those who do not receive visitation. However, there is no guarantee that inmates who do have visitation will not be transferred. In the next couple of weeks, the first group of inmates will be transferred.

Senator Rios questioned foreign nationals being transferred and if ADC was abiding by the rule that 50% would not be of the same nationality. Mr. Ryan replied that the foreign nationals that are being identified represent a small percentage.

Mr. Dotson pointed out that he did contact the warden's office and was told that family considerations would not be taken into account. It sounds as if the policy has changed. Senator Guenther indicated that discussions have occurred regarding the sensitivity of the family situations.

Mr. Weisz stressed that ADC should be exempt from future budget cuts since they are understaffed and overcrowded.

There being no further business, the meeting was adjourned at 12:40 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Carol Dager".

Carol Dager
Committee Secretary

(Tapes and attachments on file in the Secretary of the Senate's Office/Resource Center, Room 115.)

ATTACHMENT C

Agendas can be obtained via the Internet at <http://www.azleg.state.az.us/iagenda/iagenda.htm>

ARIZONA STATE LEGISLATURE

INTERIM MEETING NOTICE **OPEN TO THE PUBLIC**

JOINT SELECT COMMITTEE ON CORRECTIONS

Date: Tuesday, November 19, 2002

Time: 9:00 a.m.

Place: Senate Hearing Room 1

AGENDA

1. Call to Order
2. Recess into executive session
 - Review of Private Prison Site Selection Pursuant to A.R.S. §38-431.03
3. Adjourn

Members:

Senator Herb Guenther, Cochair
Senator Tim Bee
Senator David Petersen
Senator Pete Rios
Senator Virginia Yrun
Mr. Elliott Hibbs, ex-officio
Mr. George Weisz, ex-officio

Representative Phil Hanson, Cochair
Representative Jim Carruthers
Representative Mark Clark
Representative Edward Poelstra
Representative Meg Burton Cahill
Mr. Chuck Ryan, ex-officio

Persons with a disability may request a reasonable accommodation such as a sign language interpreter, by contacting the Senate Secretary's Office: (602)542-4231 (voice). Requests should be made as early as possible to allow time to arrange the accommodation.

NS/nd 11/14/02

ARIZONA STATE LEGISLATURE
Forty-fifth Legislature – Second Regular Session

JOINT SELECT COMMITTEE ON CORRECTIONS

Minutes of Meeting
Tuesday, November 19, 2002
Senate Hearing Room 1 -- 9:00 a.m.

(Tape 1, Side A)

Chairman Guenther called the meeting to order at 9:05 a.m. and attendance was noted by the secretary.

Members Present

Senator Bee
Senator Rios
Senator Yrun
Senator Guenther, Cochair

Mr. Carruthers
Mr. Hanson, Cochair

Elliott Hibbs (Ex-Officio)
George Weisz (Ex-Officio)

Chuck Ryan (Ex-Officio)

Members Absent

Senator Petersen

Mr. Clark
Mr. Poelstra
Ms. Burton Cahill

Speakers Present

James Hamm, Middle Ground Prison Reform

At Chairman Guenther's request, Mr. Ryan reported on a disturbance that occurred the previous day at the Florence/Central Unit (Attachment 1). He related that nine instigators have been identified and interviews are continuing with the Criminal Investigations Unit (CIU). Inmates from cellblock 1 were returned to their cell at about midnight last night. The inmates in cellblocks, 2, 5, and 7 did not participate in the disturbance and are complying at this point.

He indicated to Senator Rios that since October 11, 2002, the Arizona Department of Corrections (ADC) has been very slowly and methodically implementing the new inmate property policy that was approved three years ago. The inmate population was given notice at that time in terms of what would be happening this year. For example, in searching and inspecting inmate property, one issue ADC faced over the years relates to inmate grievances. If any property is damaged during an inspection, ADC is responsible for repairing or replacing the property. A clear case

appliance does not have to be opened for inspection because it is possible to visually determine whether contraband is in the appliance. He said it is not known if that is the only issue because the CIU team is beginning interviews today. He added that there have not been any problems at the other prisons where the policy was implemented.

Recess into Executive Session

Senator Yrun moved that the Committee go into Executive Session. The motion carried.

THE COMMITTEE RECESSED FOR EXECUTIVE SESSION AT 9:13 A.M.

THE MEETING RESUMED AT 9:48 A.M. WITH THE SAME MEMBERS PRESENT.

Public Testimony

James Hamm, Middle Ground Prison Reform, said he understands there may be some changes in the makeup of the Committee as a result of the elections and asked if there is a process for transition, how the changes will take place, and when it will occur. He also questioned if there is a schedule for continued meetings of the Committee and when the next opportunity would be for public input on various issues relating to ADC.

Chairman Guenther answered that there will be at least two new Members from the House, based upon the Speaker's appointment, and at least two new Members on the Senate side. Those Members will be appointed sometime after the Legislature is organized and the transition will take place at the first meeting in January 2003. He noted that a meeting will not be held in December 2002, but the Committee will probably meet shortly after convening the Regular Session in January 2003, at which time there will be an opportunity for public input.

He indicated that the agenda for the meeting the previous day was not placed on the web site even though multiple attempts were made to correct that as late as last week. It was determined that it was the responsibility of a single person with a problem in the immediate family, and unfortunately, there was no backup. There is now a second line of responsibility, so hopefully, it will not happen again. Efforts were made to notify as many people as possible last week who had been attending the meetings. He apologized for the mistake and noted that since everyone may not have seen the agenda, time was set aside for public testimony after the presentations by ADC.

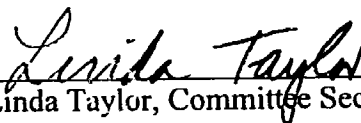
Mr. Hamm asked if Mr. Ryan will provide follow-up information to the Legislature as to what might have caused the disturbance after the investigation is complete. He conveyed the fact that ADC recently issued a notice with regard to the out-of-state transfer contract, which failed to indicate the restrictions ADC imposed on the transfer policy, such as no violent offenders, no sex offenders, no people in high custody classifications. The notice applied to Levels 2, 3, and 4 inmates only. He said Middle Ground fielded dozens and dozens of telephone calls from people who should not be concerned about the transfer because it does not affect them; however, the inmates and their families do not know that. He said he has no information whatsoever that this issue has anything to do with the disturbance, but he wonders if it may have played some role.

Mr. Ryan responded that the disturbance is under investigation and the Legislature will be advised as to the cause. He submitted that the notice relating to the out-of-state transfer contract was made available to the institutions, posted in visitation, and placed on the web page, clearly describing which populations were excluded from consideration for transfer. He agreed that it applies to Levels 2, 3 and 4. In terms of the Central Unit, those inmates are Level 5, and therefore, excluded from consideration.

Mr. Hamm stated that telephone calls were received and the ADC probably also received telephone calls from family members of people in the Central Unit who were only given verbal notice and not written notice. He surmised that in close custody situations, it is difficult for some inmates to see such information because very few have access to the visitation room, and only a small percentage of the inmates actually visit. He said he has no doubt that the institutions were properly notified, but he questions whether the inmates were as well.

Chairman Guenther stated that this is a difficult situation because it is new and ADC is looking at the various inmates that would be eligible for transfer and visitation records as far as convenience with regard to family dysfunction, etc. That is being considered in the overall move and the process will be ongoing into December 2002.

Without objection, the meeting adjourned at 10:00 a.m.


Linda Taylor, Committee Secretary
November 22, 2002

(Original minutes, attachments, and tape are on file in the Office of the Chief Clerk.)